Notice of Allowability	Application No.	Applicant(s)
	09/813,898	SATO ET AL.
	Examiner	Art Unit
	Peter Vincent Agustin	2652
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communicatio IGHTS. This application is subject	oplication. If not included n will be mailed in due course. THIS
1. X This communication is responsive to the RCE filed January	y 26, 2005.	
2. The allowed claim(s) is/are 1 and 2.		
3. \boxtimes The drawings filed on <u>22 March 2001</u> are accepted by the	Examiner.	
 4. Acknowledgment is made of a claim for foreign priority ur a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	e been received. e been received in Application No	
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give	itted. Note the attached EXAMINEF es reason(s) why the oath or declar	R'S AMENDMENT or NOTICE OF ation is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must (a) ☐ including changes required by the Notice of Draftspers 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the state of the property of the state	son's Patent Drawing Review(PTO . s Amendment / Comment or in the o	Office action of
 DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT 		
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/O Paper No./Mail Date	6. ☐ Interview Summary Paper No./Mail Da 08), 7. ☐ Examiner's Amend	ate
of Biological Material	9. ☐ Other	MINIM ALLEN CAO PRIMARY EXAMINER

Art Unit: 2652

DETAILED ACTION

Allowable Subject Matter

- 1. Claims 1 & 2 are allowed over the prior art of record.
- 2. The following is an examiner's statement of reasons for allowance:

The prior art of record as a whole fails to teach or suggest:

In claim 1, a tracking servo apparatus of an optical information recording and reproducing apparatus for recording and reproducing information by irradiating a laser beam onto an optical disc, comprising: an optical system for obtaining a photoelectric conversion signal by photoelectrically converting reflection light which is obtained when said laser beam is irradiated onto a recording surface of said optical disc; a tracking error signal generating portion for generating a tracking error signal indicative of a deviation amount of an irradiating position of said laser beam for a track in a disc radial direction on said recording surface by said photoelectric conversion signal; a spherical aberration detecting portion for detecting a spherical aberration caused by a thickness error of a transparent layer of the optical disc; a level correcting portion for correcting a level of said tracking error signal on the basis of a detection result of said spherical aberration detecting portion, and a driving portion for moving the irradiating position of said laser beam in the disc radial direction in accordance with the tracking error signal, the level of which has been corrected by said level correction portion, wherein said spherical aberration detecting portion generates a voltage signal as the detection result of the spherical aberration, and said level correcting portion includes: a gain control signal generating portion for folding back said voltage signal on the basis of a predetermined reference level to generate a gain control signal (see note below); and an amplifying portion for receiving the

Art Unit: 2652

tracking error signal generated from said tracking error signal generating portion and amplifying the received tracking error signal by an amplification gain corresponding to said gain control signal. Note: In light of the applicant's specification, the term "folding back" has been interpreted by the examiner as "inverting" (see page 12, second paragraph and Figures 8A & 8B).

Claim 2 is dependent upon claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is 703-305-8980. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 703-305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/813,898

Art Unit: 2652

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Vincent Agustin Art Unit 2652

Minling ALLEN CAC

Page 4